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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA,) No. CR 07-00077 JW
15 Plaintiff,) STIPULATION AND [PROPOSED] *Jose Chavez*
16 v.) ORDER EXCLUDING TIME FROM
17 JOSE CHAVEZ-SAPIEN,) DECEMBER 17, 2007 TO JANUARY 14,
18 Defendant.) 2008 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))
19 _____)

20 On November 5, 2007, defendant Jose Chavez-Sapien appeared for a status conference
21 before this Court. Assistant Federal Public Defender Lara Vinnard appeared on behalf of the
22 defendant. Special Assistant United States Attorney Benjamin Kennedy appeared for the
23 government. At that time, the Court set the matter for a motions hearing on December 17, 2007.

24 The parties hereby request that the Court enter this order continuing the motions hearing
25 to January 14, 2008, and exclude time from calculations under the Speedy Trial Act, 18 U.S.C. §
26 3161, for the period from December 17, 2007 through January 14, 2008.

27 The parties stipulate that the time between December 17, 2007 and January 14, 2008 is
28 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the

1 requested continuance would unreasonably deny defense counsel reasonable time necessary for
2 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
3 that the ends of justice served by granting the requested continuance outweigh the best interest of
4 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
5 U.S.C. §3161(h)(8)(A).

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7 DATED: December 11, 2007

SCOTT N. SCHOOLS
United States Attorney

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/s/
BENJAMIN T. KENNEDY
Assistant United States Attorney

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/s/
LARA VENNARD
Assistant Federal Public Defender

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between December 17, 2007 and January 14, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: December 12, 2007

JAMES WARE
UNITED STATES DISTRICT JUDGE